

## OFFICIAL ACTIONS OF THE ADDISON CITY COUNCIL

May 11, 2004  
7:30 p.m. - Council Chambers  
5300 Belt Line Road

Present: Mayor Wheeler, Councilmembers Hirsch, Mallory, Niemann, Silver, Turner  
Absent: Chow

### Item #R1 – Consideration of Old Business

The following employees were introduced to the Council: Joy Kees (Human Resources), Tony Barajas (General Services), John Peksuski (Fire) and Jared Wilson (Intern, City Manager).

Ron Whitehead, City Manager, announced the following upcoming events: Taste Addison, May 15-16, 2004; Canvassing of the Election will be held on Wednesday, May 25, 2004 and Artfest. May 29-31, 2004.

Councilmember Silver informed the Council of a newspaper article on a court case regarding a property tax issue.

### Item #R2 – Consent Agenda

#### Item #2a – Approval of the Minutes for the April 26, 2004 and April 27, 2004 Council Meetings.

Councilmember Mallory moved to duly approve the Minutes of the April 26, 2004 and April 27, 2004 Council Meetings, subject to the April 26, 2004 Minutes to reflect the absence of Councilmember Chow. Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner  
Voting Nay: None  
Absent: None

### Item #R3 – Presentation of Proclamations to Doug Jeanes, Director and Kevin Raulie, Assistant Director of the Cavanaugh Flight Museum.

Mayor Wheeler presented proclamations to Doug Jeanes and Kevin Raulie for their service to the Cavanaugh Flight Museum.

### Item #R4 – **PUBLIC HEARING** and consideration of an Ordinance approving a Special Use Permit for a restaurant and a Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, located at 5000 Belt Line Road, Suite 320, on

application from Freebird's World Burrito, represented by Ms. Lori Chandler of Mayse and Associates, Inc.

Mayor Wheeler opened the meeting as a public hearing. There were no questions or comments. Mayor Wheeler closed the meeting as a public hearing.

Councilmember Turner moved to duly pass Ordinance No. 004-023 approving a Special Use Permit for a restaurant and a Special Use Permit for the sale of alcoholic beverages for on-premises consumption only, located at 5000 Belt Line Road, Suite 320, on application from Freebird's World Burrito, subject to the following conditions:

1. The new landscaping for the site shall be installed and the irrigation system for the site to be inspected prior to the issuance of a Certificate of Occupancy for this restaurant.
2. The applicant shall not use any terms, including the term "bar", "tavern", or any graphic depictions that denote alcoholic beverages in exterior signs.

Councilmember Niemann seconded. The motion carried.

Voting Aye: Wheeler, Chow Hirsch, Mallory, Niemann, Silver, Turner

Voting Nay: None

Absent: None

Item #R5 – Consideration of approval of award of bid and a Resolution authorizing the City Manager to enter into a contract in the amount of \$145,267.42 with Ratliff Hardscape, LTD for replacement of masonry walls on Chancey Drive and Proton Drive in the Les Lacs residential area.

Councilmember Chow moved to duly pass Resolution No. R04-032 approving the award of bid and a Resolution authorizing the City Manager to enter into a contract in the amount of \$145,267.42 with Ratliff Hardscape, LTD for replacement of masonry walls on Chancey Drive and Proton Drive in the Les Lacs residential area. Councilmember Mallory seconded. The motion carried.

Voting Aye: Wheeler, Chow Hirsch, Mallory, Niemann, Silver, Turner

Voting Nay: None

Absent: None

Item #R6 – Consideration of a Resolution encouraging the Dallas County Commissioners Court to find a regional funding solution for the construction of a football stadium for the Dallas Cowboys Football Club, LLC.

Mayor Wheeler opened the meeting as a courtesy public hearing. Comments were made by: Rusty Smith of Springhill Suites, Michael Lunsford of Mary Kay Corporation and Ron Vincent. There were no other questions or comments. Mayor Wheeler closed the meeting as a courtesy public hearing.

Councilmember Silver moved to duly pass Resolution No. R04-033 encouraging the Dallas County Commissioners Court to find a regional funding solution for the construction of a football stadium for the Dallas Cowboys Football Club, LLC. Councilmember Mallory seconded. The motion carried.

Councilmember Niemann moved to amend the motion to reflect approval subject to language changes by the City Attorney. Councilmember Mallory seconded. The motion carried.

Voting on the amended motion:

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner

Voting Nay: None

Absent: None

Voting on Item #R6:

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner

Voting Nay: None

Absent: None

Item #R7 – Consideration of a Resolution approving an Administrative Services Agreement with ICMA-RC to administer the Town's Section 457 Deferred Compensation Plan, approving the Plan and Trust Document, approving a group trust with Vantage Trust Company for collective investments, and appointing members to the Plan Committee and appointing the Plan Coordinator.

Councilmember Mallory moved to duly pass Resolution No. R04-0034 approving an Administrative Services Agreement with ICMA-RC to administer the Town's Section 457 Deferred Compensation Plan, approving the Plan and Trust Document, approving a group trust with Vantage Trust Company for collective investments, and appointing members to the Plan Committee and appointing the Plan Coordinator, subject to language changes and approval of the City Attorney. Councilmember Turner seconded. The motion carried.

Voting Aye: Wheeler, Chow, Hirsch, Mallory, Niemann, Silver, Turner

Voting Nay: None

Absent: None

**EXECUTIVE SESSION.** At 8:35 p.m., Mayor Wheeler announced that the Council would convene into Executive Session.

Item #ES1 – Closed (executive) session of the Addison City Council pursuant to Section 551.071, Texas Government Code, to conduct a private consultation with its attorney to seek the advice of its attorney about contemplated litigation related to the Addison Airport.

Item #ES2 – Closed (executive) session of the Addison City Council pursuant to Section 551.071, Texas Government Code, to consult with its attorney to seek advice regarding certain pending litigation, to wit: Transcontinental Realty Investors, Inc., et al. v. The Town of Addison, Texas, et al.

The Council came out of Executive Session at 9:51 p.m.

There being no further business before the Council, the meeting was adjourned.

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Mayor

Attest:

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City Secretary